

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

United States District Court
Southern District of Texas
FILED

for the

Southern District of Texas

DEC 02 2014

United States of America)

v.)

Benicio LOPEZ)

YOB: 1985)

U.S. Citizen)

Case No.

M-14-2276-M

Clerk of Court

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 13, 2013 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 USC 922 (g)(1)

Unlawful to possess a firearm which has previously traveled in or affected interstate commerce, after having been convicted in a court of law of a felony crime punishable by imprisonment for a term exceeding one year.

This criminal complaint is based on these facts:

(See ATTACHMENT A as a continuation)

☒ Continued on the attached sheet.

Approved:

Robert Wilton AUSA
12/2/2014

Complainant's signature

Robert Flores - ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

12/2/2014



Judge's signature

City and state:

McAllen, Texas

Dorina Ramos, United States Magistrate Judge

Printed name and title

ATTACHMENT A

The facts establishing the foregoing issuance of an arrest warrant are based on the following:

I, Special Agent Robert Flores, affiant, do hereby depose and state the following:

1. I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. I have been a law enforcement officer for nineteen years.

2. My duties include the investigation of violations of the federal firearms laws. I know it to be unlawful for any person who has been convicted of a felony crime to receive or possess a firearm, which has traveled in or affected interstate or foreign commerce. This criminal complaint is based on the following facts:

3. On May 28, 2010, an arrest warrant was issued for the defendant, Benicio LOPEZ, who was charged with the felony offense of Engaging in Organized Criminal Activity. The arrest warrant had been obtained by investigators with the San Juan, Texas police department. LOPEZ was not arrested at this time and remained a fugitive.

4. In June 2013, San Juan, Texas police investigator Jose Chapa, who was assigned to the US Marshals Fugitive Task Force at this time, learned that LOPEZ living in the Cimarron Country Club area. On June 13, 2013, Investigator Chapa, with the assistance of US Marshals Service, initiated surveillance at the residence located at 814 Cimarron Drive, Mission, Texas. Investigator Chapa observed LOPEZ exit the residence and board a silver GMC Denali truck. As the truck traveled past Investigator Chapa's surveillance location, Investigator Chapa immediately recognized the driver as LOPEZ. The agents followed LOPEZ to an apartment complex in McAllen, Texas where LOPEZ was later taken into custody by the San Juan Police SWAT Team.

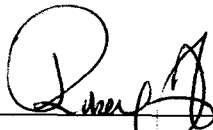
5. After LOPEZ's arrest, Investigator Rolando Garcia obtained a search warrant for the residence at 814 Cimarron Drive, Mission, Texas 78572. The search warrant was executed and officers discovered a Maverick Arms, Model: 88, .12 gauge shotgun, SN: MV14487N inside the residence. Your affiant later confirmed that LOPEZ was renting this home from a cousin.

6. Your affiant has conducted a criminal history query and discovered that LOPEZ has an extensive criminal history. LOPEZ has the following felony conviction: April 18, 2013 - 430th Judicial District Court, Hidalgo County, Texas. Case Number: CR-2358-10J, Offense: Possession of Marijuana in an amount of five pounds or less but more than four ounces. Disposition: Two years confinement in a Texas State Jail, Five years Community Supervision. Your affiant has confirmed this felony conviction with Hidalgo County Adult Probation Officer (PO) Joe Singleterry.

ATTACHMENT A

7. Your affiant conducted a firearms trace of the aforementioned Maverick Arms, .12 gauge shotgun. The firearms trace revealed that Benicio LOPEZ purchased the firearm on February 23, 2009 from FFL Erick Ford Kruger, FFL# 57402414 - McAllen, Texas. LOPEZ has maintained possession of this firearm after his felony conviction of April 18, 2013.

8. On Monday, November 25, 2014, your affiant spoke with ATF Special Agent - Interstate Nexus Expert Patrick Briody. SA Briody stated that the aforementioned firearm did in fact travel in and affect interstate or foreign commerce.



Robert Flores - ATF Special Agent

Sworn to before me and subscribed in my presence,



Dorina Ramos, United States Magistrate Judge

12/2/2014

Date